
**Technology, Energy &
Communications Committee**

HB 2402

Brief Description: Providing for expedited processing of energy facilities and alternative energy resources.

Sponsors: Representative Morris.

Brief Summary of Bill

- Establishes new guidelines for granting expedited processing certification for a proposed energy facility or an alternative energy resource.

Hearing Date: 1/10/06

Staff: Scott Richards (786-7156).

Background:

The Energy Facility Site Evaluation Council (EFSEC) was created in 1970 to provide one-stop licensing for large energy projects. Council membership includes mandatory representation from five state agencies and discretionary representation from four additional state agencies. The Council's membership may include representatives from the particular city, county, or port district where potential projects may be located.

The EFSEC's jurisdiction includes the siting of large intrastate natural gas and petroleum pipelines, electric power plants above 350 megawatts, new oil refineries, large expansions of existing facilities, and underground natural gas storage fields. For electric power plants, the EFSEC's jurisdiction extends to those associated facilities that include new transmission lines that operate in excess of 200 kilovolts and are necessary to connect the plant to the Northwest power grid. Developers of energy facilities that exclusively use alternative energy resources, regardless of the size of the facility's generation capacity, may choose to use the EFSEC process to site the facility.

The EFSEC siting process generally involves six steps: (1) a potential site study followed by an application; (2) State Environmental Policy Act review; (3) review for consistency with applicable local land use laws and plans; (4) a formal adjudication on all issues related to the project; (5) certain air and water pollution discharge permitting reviews as delegated by the U.S. Environmental Protection Agency; and (6) a recommendation to the Governor who then decides whether to accept, reject, or remand the application. A certification agreement approved by the

Governor preempts any other state or local regulation concerning the location, construction, and operational conditions of an energy facility.

Under the EFSEC process, the applicant is required to pay the costs of the EFSEC in processing an application.

Summary of Bill:

An alternative energy resource filing an application for certification with EFSEC may apply for expedited processing of the application.

EFSEC may grant an applicant expedited processing of any application for certification upon finding that (1) the environmental impact of the proposed energy facility is not significant under RCW 43.21C.031 and (2) the project is found to be consistent and in compliance with county or regional land use plans or zoning ordinances under RCW 80.50.090(2).

Once the applicant has been awarded expedited processing the EFSEC shall not be required to commission an independent study to further measure the consequences of the proposed energy facility or alternative energy resource on the environment.

Appropriation: None.

Fiscal Note: Requested on 1/04/2006.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.